

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on February 1, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Bill Eggers (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Steven Gallus (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 233 - 1-25-01**
HB 295 - 1-25-01
HB 250 - 1-25-01

Executive Action: **HB 262 - DPAA**
HB 128 - Table

HEARING ON HB 233

Sponsor: Rep. Brad Newman, HD 38, Butte said this Bill would amend Montana's existing Hate Crimes Act. This Act can be found in the Code, Sections 45-5-221 and 222. He defined Hate Crime as a crime in which the offender intentionally targets a victim because of the actual or perceived race, color, creed, national origin, religion, gender, sexual orientation, or disability of the victim. A hate crime occurs when the offender purposely or knowingly selects the victim because of who the victim is. HB 233 would add the terms, gender, sexual orientation and disability to the existing law. It would add those classifications to the state's ability to investigate and prosecute hate crimes. This authority already exists, as seen in the existing Code, and for crimes committed because of the victim's race, color, religion, creed or national origin. HB 233 will bring uniformity and fairness to the existing Hate Crimes Law. The change in the statutory language is very short and very straight forward. The proposed amendments will add those terms discussed to the statute. The intent of existing law will not be changed, but the Bill will try to make the existing law fair to everyone in the communities and state.

Because the language is short, straightforward and to the point, what will be addressed in this Hearing is the policy underlying the amendments.

What is wrong with the current policy, the Hate Crimes Bill? By failing to address crimes based on gender, sexual orientation or disability, this Legislature and the Montana State Government allows itself to be perceived as officially indifferent to hate crimes based on those factors. This perceived official indifference is directly contrary to the federal and state Constitutions and directly contrary to the notion of equal protection. **EXHIBIT(juh26a01)**

Proponents: Daniel Casey, Montana Human Rights Network

EXHIBIT(juh26a02)

EXHIBIT(juh26a03) EXHIBIT(juh26a04) EXHIBIT(juh26a05)

EXHIBIT(juh26a06) EXHIBIT(juh26a07) EXHIBIT(juh26a08)

Dennis Paxinos, Yellowstone County Attorney

Cindi Weese, Montana Coalition Against Domestic and Sexual Violence.

Betty Whiting, Montana Association of Churches.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 29.8}

Sharon Hoff-Brodowy, Montana Catholic Conference

Al Davis, Mental Health Association, State of Montana

Karl Olson, Director, PRIDE **EXHIBIT**(juh26a09)

Jeremy Stokstad, MSU, Bozeman **EXHIBIT**(juh26a10)
(pictures passed to Committee, not exhibits)

Student, MSU

Jamie Greer, MSU

John Connor, Attorney General's Office and Montana County Attorneys.

Karen Loos, Missoula Chapter PFLAG **EXHIBIT**(juh26a11)

Coleen Murphy, Executive Director, Montana Chapter, National Association of Social Workers.

Sarah Cobler, Associated Students, University of Montana

Patti Keebler, Montana AFL-CIO

Rep. Christine Kaufmann, HD 53, Helena

Travis McAdam, Montana Human Rights Network
EXHIBIT(juh26a12)

Opponents: Steve White, Bozeman, **EXHIBIT**(juh26a13)

Jenny Dodge, Citizens' Network, Helena
EXHIBIT(juh26a14)

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 29.8}

Larry Chambers, East Helena **EXHIBIT**(juh26a15)
EXHIBIT(juh26a16)

Carol Allison, Director, Ministry, Billings

Jeanette Zentgraf, Prayer-Action Leader, Concerned
Women for America, Lolo. EXHIBIT(juh26a17)

Dr. William Wise, Clancy

Brad Molnar, Former Representative, Laurel
EXHIBIT(juh26a18)

Julie Millam, Executive Director, Christian
Coalition.

John Race

Lisa Lovell, Helena EXHIBIT(juh26a19)

Harris Himes, Hamilton

Dallas Erickson, Montana Citizens for Decency
Through Law EXHIBIT(juh26a20) EXHIBIT(juh26a21)

Gregory Lampton, Florence

Gregory Ammondson, Florence

Marvin London, Farmer/Rancher

Shannon Bennett, Hamilton

Jeannie Poe, Hamilton

Rod Drilen, Hamilton

Arlene Diehl, Helena

Jill Guthrie, Helena

Lester Johnson, Victor

Informational Witness: Bernadette Franks-Ongoy, Executive
Director, Montana Advocacy Program.

{Time Tape : 2; Side : A; Approx. Counter : 0.1 - 32.7}

Questions from Committee Members and Responses: Reps. Adams,
Gutsche, Mangan, Clark, Peterson, Holden, Laszloffy, Hurdle,

Thomas, Harris, Rice to Ms. Dodge, Mr. Connor, Rep. Newman, Mr. Paxinos, Mr. Casey, Mr. Olson, Mr. Molnar, Mr. Greer, Mr. Stokstad, Dr. Wise, Mr. Himes.

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 29.1}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 22.8}

Closing by Sponsor: Rep. Newman closed the Hearing on HB 233.

{Tape : 3; Side : A; Approx. Time Counter : 22.8 - 30.2}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 3.7}

HEARING ON HB 250

Sponsor: Rep. Joe Balyeat, HD 32, Bozeman **EXHIBIT**(juh26a22)

EXHIBIT(juh26a23)

EXHIBIT(juh26a24) **EXHIBIT**(juh26a25)

Proponents: Rep. Butch Waddill, HD 62, Florence

Rep. Rick Dale, HD 39, Whitehall

Sen. Jack Wells, SD 14, Bozeman

Rep. Verdell Jackson, HD 79, Kalispell

{Tape : 3; Side : B; Approx. Time Counter : 3.7 - 29.8}

Rep. Debby Barrett, HD 34, Dillon

Rep. John Esp, HD 25, Big Timber

Opponents: Jeff Weldon, Legal Counsel, OPI

Eric Feaver, Helena, MEA-MFT **EXHIBIT**(juh26a26)

(letter from Lance Melton, Executive Director, MSBA)

Questions from Committee Members and Responses: Reps. Harris, Noennig, Younkin, Newman, Peterson, Adams, Holden to Rep. Balyeat, Mr. Feaver

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 29.9}

Closing by Sponsor: Rep. Balyeat closed the Hearing on HB 250.

EXHIBIT(juh26a27)

HEARING ON HB 295

Sponsor: Rep. Larry Jent, HD 29, Bozeman said the reasons for the Bill are two-fold. In other sessions the Legislature passed a law mandating not only alcohol evaluation for convicted drunk drivers, but for treatment, particularly for 2nd offenses.

The reason for increasing the period that the judge may supervise a defendant from six months to one year is, it takes that long if they don't complete the treatment that was ordered.

The second change the bill makes is in the use of the words "vehicle" versus "motor vehicle". A vehicle can be a snowmobile and several other things. A motor vehicle may or may not be a snowmobile depending on whoever the judge is that is sitting on the motion to dismiss.

Proponents: Pam Bucy, Assistant Attorney General.

Opponents: None

Questions from Committee Members and Responses: Reps. Peterson, Shockley to Rep. Jent.

{Tape : 4; Side : B; Approx. Time Counter : 0.1 - 29.8}

Closing by Sponsor: Rep. Jent closed the Hearing on HB 295.

EXECUTIVE ACTION ON HB 262

Rep. Wolery passed out **EXHIBIT**(juh26a28)

Motion: REP. CLARK moved that HB 262 DO PASS. #1

Motion: REP. CLARK moved that HB 262 BE AMENDED. #2
EXHIBIT(juh26a29)

Discussion: Reps. Clark, Holden, Younkin, Newman.

Vote: Clark amendment motion #2 failed 8-10 with Reps. Shockley, Laszloffy, Adams, Holden, Noennig, Peterson, Rice, Thomas, Wolery and Younkin voting no.

Motion: REP. YOUNKIN moved that HB 262 BE AMENDED. #3

Discussion: Reps. Younkin, Laszloffy, Newman, Rice, Clark, Peterson.

Vote: Younkin amendment carried 14-4 with Reps. Shockley, Laszloffy, Adams and Holden voting no.

Motion/Vote: REP. NOENNIG moved that HB 262 DO PASS AS AMENDED.
#4. Motion carried 13-7 with Reps. Eggers, Gallus, Gutsche, Harris, Hurdle, Newman and Wolery voting no.

EXECUTIVE ACTION ON HB 128

Motion: REP. SHOCKLEY moved that HB 128 DO PASS. #5

Motion: REP. SHOCKLEY moved that HB 128 BE AMENDED. #6
EXHIBIT (juh26a30)

Discussion: Reps. Shockley, Noennig.

{Tape : 5; Side : A; Approx. Time Counter : 0.1 - 29.8}

Vote: Shockley amendment #6 carried unanimously 20-0.

Motion/Vote: REP. SHOCKLEY moved that HB 128 DO PASS AS AMENDED.
#7. Motion failed on a tie vote 10-10.

Motion/Vote: REP. YOUNKIN moved that HB 128 BE TABLED. #8 Motion carried unanimously 20-0.

{Tape : 5; Side : B; Approx. Time Counter : 0.1 - 12.2}

ADJOURNMENT

Adjournment: 12:45 P.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh26aad)